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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Philippe Fanelli and Cristophe Valade
Serial No.: 10/772,158
Filing Date: February 4, 2004
Assignee: Fico Mirrors, S.A.
Title: OUTSIDE REARVIEW MIRROR FLEXING MECHANISM AND CONTROL METHOD THEREOF

Attorney Docket No. FICO-1-1402
Group Art Unit: 2872
Examiner: Mark A. Robinson

Commissioner for Patents¹
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICT REQUIREMENT

Sir:

This Response is in reply to the Office Action mailed on August 25, 2005. No fee is required by this Response. A Request for a one-month Extension of Time for filing the response to the Examiner's Action is enclosed with this Response in a separate attached paper.

The Commissioner is hereby authorized to charge any fees with regard to this response or to credit any overcharges to Deposit Account No. 501050.

REMARKS

Examiner Robinson has issued a restriction requirement in his August 25, 2005 Office Action alleging that the inventions listed as Groups I and II do not relate to a single general inventive

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sept. 30, 2005
Date

Brenda Ruthrauff
Brenda Ruthrauff

FICO-1-1402 RESP-RESTREQ


concept under PCT Rule 13.1 because allegedly they lack the same or corresponding special technical features: the method of Group II lacks specific structural features found in Group I, and the mechanism of Group I does not require particular method steps found in Group II. The restriction requirement is traversed for the reasons set forth below. Nevertheless, the Applicants provisionally elects apparatus claims 17-23 of Group I for prosecution and reserve the right to file a divisional application directed to the non-elected method claims 24-26 identified as Group II.

The restriction requirement should be rescinded because the method of claims 24-26 cannot be practiced with an apparatus materially different from that recited in claims 17-23. The reciprocal is also true.

In view of the above, the restriction requirement must be rescinded, and the application substantively examined.

Respectfully submitted,

Philippe Fanelli and Cristophe Valade



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Enclosures:

Postcard

Request for Extension of Time

Check No. 15056 for \$120.00